

Appl. No.: 10/752,890
Amdt. dated 06/21/2005
Reply to Office action of March 22, 2005

REMARKS/ARGUMENTS

This amendment is in response to the Office Action mailed March 22, 2005. Applicants would like to thank the Examiner for a timely and thorough review of the above-referenced patent application. Applicants would also like to thank the Examiner for confirming that Claims 2-9, 13, 14, 16-19, 21, and 22 define allowable subject matter if rewritten in independent form. Applicants have amended Claims 1, 2, 5, 20, and 21 and added Claims 23 and 24. Applicants have also petitioned the Office of the Deputy Commissioner for Patent Examination Policy for an unintentionally delayed claim of priority to U.S. Patent No. 6,722,202 as a continuation-in-part application thereof, as indicated in Exhibit A and as discussed more fully below. In light of the amendments, the petition, and the remarks below, Applicants respectfully submit that all of the claims are in condition for immediate allowance.

Rejections Under 35 U.S.C. §§ 102(e) and 103(a) – Kennedy

The Office Action rejected Claims 1, 12, and 20 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,722,202 to Kennedy et al. (“the Kennedy ‘202 patent”); Claim 11 under 35 U.S.C. § 103(a) as being obvious over the Kennedy ‘202 patent; and Claim 10 under 35 U.S.C. § 103(a) as being obvious over the Kennedy ‘202 patent in view of U.S. Patent No. 4,010,636 to Clark et al. (“the Clark ‘636 patent”). In light of Applicants’ petition to claim priority to the Kennedy ‘202 patent, Applicants respectfully traverse these rejections.

As stated in the petition of Exhibit A, submitted concurrently with this amendment, Applicants request a benefit claim to U.S. Patent Application Serial Number 10/620,464 (“the ‘464 application”), which granted as the Kennedy ‘202 patent. If the petition of Exhibit A is granted, the present application would be a continuation-in-part application of the Kennedy ‘202 patent, thereby removing the Kennedy ‘202 patent as a 102(e) reference. For at least this reason, Applicants respectfully request that the rejection of Claims 1, 12, and 20 under 35 U.S.C. § 102(e) be withdrawn.

Regarding the rejections of Claims 10 and 11 under 35 U.S.C. § 103(a), because the Kennedy ‘202 patent would be removed as a 102(e) reference in the event the petition of Exhibit A is granted, Applicants respectfully submit that the Kennedy ‘202 patent is further disqualified

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from being used in rejections under 35 U.S.C. § 103(a). Accordingly, Applicants respectfully request that the rejection of Claims 10 and 11 under 35 U.S.C. § 103(a) be withdrawn.

Rejections Under the Judicially Created Doctrine of Obviousness-Type Double Patenting

The Office Action rejected Claims 1, 11, 12, and 20 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 15-17 and 29 of the Kennedy '202 patent. The Office Action also rejected Claim 10 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 15 of the Kennedy '202 patent in view of the Clark '636 patent. In light of Applicants' petition to claim priority to the Kennedy '202 patent, Applicants respectfully traverse these rejections.

As described above and in the petition of Exhibit A, the Applicants have requested a benefit claim to the '464 application, which granted as the Kennedy '202 patent. If the petition of Exhibit A is granted, the claims of the present application directed to subject matter disclosed and/or claimed in the Kennedy '202 patent would have the same priority date as the claims of the Kennedy '202 patent. Therefore, Applicants respectfully submit that a terminal disclaimer is not necessary based upon the petition of Exhibit A. For at least this reason, Applicants respectfully request that the rejections of Claims 1, 10, 11, 12, and 20 under the judicially created doctrine of obviousness-type double patenting be withdrawn.

Rejection Based Upon Duplicate Claims

The Office Action rejected Claim 15 under 37 CFR 1.75 as being a substantial duplicate of Claim 5. Applicants have amended Claim 5 to depend from Claim 2, such that Claim 15 is no longer a substantial duplicate of Claim 5. Accordingly, Applicants respectfully request that the rejection of Claim 15 be withdrawn.

New Claims 23 and 24

Applicants have added new Claims 23 and 24 that depend from Claims 1 and 20, respectively. Claim 23 recites the inspecting portion as being structured to inspect the feature of the structure extending from the second surface of the structure, and Claim 24 recites inspecting

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the feature of the structure extending from the second surface of the structure. Applicants respectfully submit that Claims 23 and 24 are supported by the specification and are in condition for allowance.

CONCLUSION

In view of the foregoing amendments, remarks, and petition, Applicants respectfully submit that all of the claims of the present application are in condition for allowance. It is respectfully requested that a Notice of Allowance be issued in due course. Examiner Chapman is encouraged to contact Applicants' undersigned attorney to resolve any remaining issues in order to expedite examination of the present application.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Customer No. 00826
ALSTON & BIRD LLP
Bank of America Plaza
101 South Tryon Street, Suite 4000
Charlotte, NC 28280-4000
Tel Charlotte Office (704) 444-1000
Fax Charlotte Office (704) 444-1111

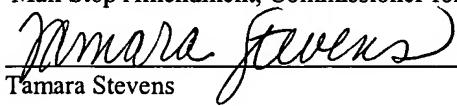
Respectfully submitted,



Keith A. Roberson
Registration No. 52,171

"Express Mail" mailing label number EV440847784US
Date of Deposit June 21, 2005

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to:
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Tamara Stevens

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